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Initial report on the human rights situation in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1995/90

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 9	3
I. THE OVERALL SITUATION	10 - 43	5
A. The political and institutional crisis	10 - 18	5
B. Some keys to understanding the concept of "ethnic" racism and the policies deriving from it	19 - 21	6
C. Economic hardship and the aggravation of poverty	22 - 24	7
D. The fragility of democratic institutions	25 - 38	8
E. The first steps towards a civilian society	39 - 43	11

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CONTENTS (continued)

		Paragraphs	Page
II.	OBSERVATIONS ON THE HUMAN RIGHTS SITUATION	44 - 117	12
	A. The resurgence of violence and insecurity . .	44 - 55	12
	B. Violations of the right to life and physical integrity	56 - 98	14
	C. The right to liberty of movement and freedom to choose one's residence within a State . . .	99 - 101	21
	D. Arbitrary detentions	102 - 109	21
	E. Freedom of expression and freedom of the press	110 - 117	23
III.	FINAL OBSERVATIONS AND RECOMMENDATIONS	118 - 170	25
	A. Final observations	118 - 143	25
	B. Recommendations	144 - 170	30

Introduction

1. In this report, the Special Rapporteur summarizes the initial impressions he formed during his first mission to Burundi, which he will develop and refine in his subsequent reports to the Commission on Human Rights. The observations made cover the period from 1 March to 31 October 1995. The first chapter deals with the overall situation in Burundi. The second sets out the Special Rapporteur's observations on the human rights situation and the final chapter is devoted to a presentation of his concluding observations and recommendations.

The Special Rapporteur's mandate

2. In conformity with resolution 1995/90 of the Commission on Human Rights, the Chairman of the Commission appointed, after consultation with the Bureau, Mr. Paulo Sérgio Pinheiro (Brazil), a professor at the University of Sao Paulo and Director of that University's Centre for Studies into Violence, as Special Rapporteur with the task of submitting to the Commission at its fifty-second session, a report on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population. This appointment was subsequently approved by the Economic and Social Council in decision 1995/219, adopted at its resumed organizational session for 1995 on 4 May 1995, in New York.

3. At its forty-seventh session, the Subcommission on Prevention of Discrimination and Protection of Minorities, in resolution 1995/11 of 18 August 1995, appealed to the Commission on Human Rights to reinforce the activities of the Special Rapporteur by envisaging the rapid deployment of permanent human rights observers in sufficient numbers to cover all of Burundi's territory.

The Special Rapporteur's activities

4. The Special Rapporteur held an initial round of consultations in Geneva from 31 May to 1 June 1995. He had discussions with the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and officials from the Special Procedures Branch and Advisory Services, as well as with other officials from the Centre for Human Rights. He also met the Coordinator of the Special Unit for Rwanda and Burundi at the Office of the United Nations High Commissioner for Refugees (UNHCR), the President of the International Committee of the Red Cross (ICRC), the Deputy Delegate-General for Africa of ICRC, the Secretary-General of the International Commission of Jurists and the representative of Amnesty International at Geneva.

5. On 1 June 1995 the Special Rapporteur personally submitted to the Permanent Representative of the Mission of Burundi to the United Nations Office at Geneva a letter, to which was annexed resolution 1995/90, for the attention of the Minister for Foreign Affairs and Cooperation, requesting his permission to visit Burundi from 21 June to 2 July 1995. On 14 June 1995 the Special Rapporteur received a letter from the Permanent Mission of the Republic of Burundi to the United Nations Office at Geneva informing him that the Government of Burundi had accepted the proposed timetable for his visit.

Accordingly, the Special Rapporteur undertook his first mission to Burundi from 21 June to 2 July 1995, accompanied by two officials from the Centre for Human Rights. He talked with Burundi authorities at the highest level and in particular was granted audiences by the President of the Republic, the President of the National Assembly, the Prime Minister and the Attorney-General of the Republic. On several occasions the Special Rapporteur also met the Special Representative of the Secretary-General for Burundi, the representatives of the United Nations system and of the diplomatic community in Bujumbura, the head of the ICRC delegation, a number of representatives of local women's associations, international and Burundi non-governmental organizations and a number of local journalists. He also had meetings with members of various political parties and religious officials of various denominations. In the course of his visit to Burundi, the Special Rapporteur was able to appreciate the extremely valuable work being done by the office of the Centre for Human Rights in Bujumbura, established in June 1994 by the High Commissioner for Human Rights. He was particularly struck by the diversity of the functions of the office whose goal is to assist Burundi, in consultation with other agencies in the United Nations system, to put an end to the serious human rights violations occurring there and above all to prevent them. He acquainted himself with the various technical assistance programmes managed by the Centre's office (youth, the police and the judiciary in particular) and pays tribute to the efforts of the High Commissioner to strengthen the staff of the office in Bujumbura with a team of human rights observers, shortly expected in Bujumbura. In this regard, the Special Rapporteur would like to draw attention to the initiative taken by the High Commissioner, at the fifty-first session of the Commission on Human Rights, to set in motion a process that will make it possible to strengthen the system of human rights protection in Burundi.

6. During his stay in Burundi, the Special Rapporteur travelled widely throughout the Bwiza and Buyenzi districts of Bujumbura, in order to assess conditions there following the displacement of some of their inhabitants and the destruction of houses. He visited the provinces of Ngozi and Muyinga in the north of the country, where several Rwandan refugee camps and camps for displaced Burundis are located. On that occasion, he held discussions with the Governors of the two provinces, as well as with officers of the Burundi army and of the Observer Mission of the Organization of African Unity in Burundi (OMIB).

7. It should be pointed out that, on account of the dangerous security situation in Burundi, the Special Rapporteur was unable to travel freely either in Bujumbura or in the provinces, and that he even had to forgo interviews with certain witnesses and visits to certain inaccessible parts of the capital, despite their vital importance for his report to the Commission. Accordingly, he sincerely hopes that during a future mission to Burundi he will be able to visit those places first and to talk with a number of individuals who possess first-hand information.

8. On his return from Burundi, the Special Rapporteur went to London, where, on 14 July 1995, he met various representatives of the press and of several non-governmental organizations at the United Nations Information Centre. He also had a meeting with a journalist from the British Broadcasting Corporation (BBC) and participated in four BBC broadcasts in several languages.

9. The Special Rapporteur had intended to travel to Burundi for a second mission in November 1995, but was prevented from doing so by the financial crisis at present affecting the United Nations. He therefore agreed to postpone his mission to January 1996, provided the funds become available. However, he wishes to emphasize that only the seriousness of the financial situation of the United Nations prevented him from carrying out his second visit to Burundi.

I. THE OVERALL SITUATION

A. The political and institutional crisis

10. According to evidence provided to the Special Rapporteur by numerous witnesses, a smouldering civil war is spreading further and further in Burundi and the situation has in particular deteriorated since the beginning of the year, and significantly so since May 1995.

11. This has resulted in a widespread climate of insecurity and fear that affects all segments of the population of Burundi, both Hutus and Tutsis. The extremist forces operating in Burundi take advantage of the mistrust and hatred that have developed between the two communities.

12. As a result of this situation many citizens or armed groups in Burundi have acquired an increasing number of sophisticated small arms or heavier weapons which have been used in many killings most of which remain unpunished.

13. According to allegations communicated to the Special Rapporteur, the acts of violence thus committed by extremists on both sides in Burundi are responsible for the deaths of three to four soldiers each day and some 200 civilians each week.

14. According to the information gathered by the Special Rapporteur, the Convention on Governance, adopted on 10 September 1994 by the main political parties in Burundi, is the target of frequent criticism and certain of its provisions are not implemented, even though it allegedly facilitated the appointment of the present coalition Government. It appears that the surge in the strength of extremist forces who have remained outside the Convention on Governance is increasing Burundi's institutional instability and undermining the Convention's legitimacy. In these difficult circumstances, the emergency measures proposed on 18 June 1995 by the President of the Republic, with the approval of the National Security Council, sparked off a conflict of competence with Burundi's Parliament.

15. As Parliament finally rejected the measures, the Government and the country as a whole are once again in a blind alley - a situation which further reduces the limited leeway available to the Burundi authorities, in the absence of a calm political climate, in undertaking the reforms that are indispensable if the Government is to become more effective, and of a plan that holds promise for the future and reaches beyond clan interests.

16. Accordingly, the Special Rapporteur has found that, notwithstanding the goodwill displayed by the politicians he met during his visit, and the concern they showed for the public interest in exercising their functions, there is a

lack of efficiency at all levels, largely nourished by the growing ethnic bias of Burundi's institutional and political system at the national level, which in the long term holds the threat of a potential power vacuum. Regionally and internationally, the current passiveness of international agents is a source of deep concern.

17. He has also noted that the difficulties encountered by several ministries in properly performing the tasks entrusted to their respective departments converge to create a form of "political paralysis" the result of which has been failure to prosecute those responsible for the attempted October 1993 coup d'état and the subsequent massacres. 1/ The Special Rapporteur believes that the main actors in the international community must at all costs shake off their lethargy and assist the Government of Burundi and Burundi society to develop fresh momentum. Although economic and social progress depends on political and social stability, the latter may also, in turn, foster Burundi's transition to a multi-ethnic democratic regime.

18. The Special Rapporteur recently learnt that a major ministerial reorganization took place on 12 October 1995 within the Government. He was informed that new ministers had been appointed for the Interior and Public Security; Foreign Affairs and Cooperation; Justice; Communications; Youth; Sport and Culture; and Physical Planning and the Environment.

B. Some keys to understanding the concept of "ethnic" racism and the policies deriving from it

19. It is difficult to grasp Burundi's current evolution without a brief analysis of the contemporary foundations of the concept of "ethnic" racism. None of the criteria used to define ethnic groups or national minorities are applicable to Burundi. For centuries, Hutus and Tutsis have occupied the same geographical area, shared the same religious beliefs - traditional or Christian - and spoken the same language. During the pre-colonial period, their different origins did not lead to the formation of ethnic groups, in the modern sense of the term, as individuals identified themselves as members of more diversified community units than simply Tutsis or Hutus. It was only when the colonizers arrived, at the end of the nineteenth century, that new social, political and ideological significance was attached to the fact that one's father was a Hutu or Tutsi, making possible the emergence of a privileged Tutsi minority, particularly since the 1950s. During the following decades, until 1993, the existing political system was marked by a succession of single-party military dictatorships, which sanctioned the development of an elite caste consisting of members of the military and of townsfolk, traders, civil servants and businessmen. 2/

20. Over the years, politicians grasped the political and ideological implications of being a Hutu and Tutsi and manipulated them for their own ends. Some developed a racist ideology, supported by propaganda and incitement to hatred, passed on by radio, television and the press, thus contributing to the polarization of attitudes, language and mentalities within the Tutsi and Hutu communities. On several occasions, for example, the Special Rapporteur's attention was drawn to the problem of the "demonization" of the army and the judiciary.

21. In the circumstances, it is hardly surprising that moderate Burundis or those with a dual ethnic identity experience difficulty in voicing non-partisan views without immediately incurring condemnation from their critics, from one side or the other.

C. Economic hardship and the aggravation of poverty

22. A direct consequence of the intensification of ethnic conflict and of the political crisis has been the rapid exhaustion of Burundi's human resources and the acceleration of its economic decline. With a population of 5.8 million, which is increasing at the rate of 3.1 per cent per year, its gross per capita domestic product (GDP) of $180 in 1993 is one of the lowest in the world. In its Human Development Report 1995, the United Nations Development Programme (UNDP) placed Burundi in 165th position on the basis of the human development index (HDI). According to the same report, life expectancy in 1992 was 51.9 years for women and 48.4 years for men. In 1990 the literacy rate was 20.1 per cent for women and 46.9 per cent for men. In 1992, the combined overall school enrolment rate (primary, secondary and higher) remained unchanged at 27.4 per cent for women and 34.6 per cent for men. 3/ Moreover, poverty, which is widespread in Burundi, is increasing on account of the disintegration of the economy and agricultural production, with disastrous consequences for the peasants, who are already feeling the effects of the ethnic conflicts. Approximately 14 per cent of the population lives in camps for displaced persons or refugees. 4/ Environmental degradation is one of the main factors contributing to a vicious circle: high population growth, increasing pressure on the limited land available, low agricultural productivity and the impoverishment of the population.

23. The pacification and normalization of politics are essential prerequisites to reverse this situation: the paralysis of the Government jeopardizes or even prevents political commitment to economic reform. There is no denying that power sharing, which was introduced by the Convention on Governance of 10 September 1994, temporarily averted an ethnic upheaval, although, as has already been mentioned, the political situation is still precarious and opportunities for further reform are uncertain until new momentum has developed.

24. In the circumstances it is hardly surprising that the established élite, which controls power and access to Burundi's limited resources, is reluctant to undertake reform. Inter-ethnic conflicts, the "balkanization" of parts of the country, ethnic cleansing operations and the state of virtual civil war are all tangible signs of the bitter struggles under way between those who hold power and those who are currently excluded from the resources and economic benefits offered by power. All the various interactions produced by inter-ethnic conflicts and the political issues at stake, in terms of the distribution of resources among the population, have to be analysed if the present crisis in Burundi is to be properly understood and solutions acceptable to all parties devised.

D. The fragility of democratic institutions

25. The difficulties besetting the democratic transition process in Burundi, the bloody episodes that have followed one after another since the death of the first democratically elected President, and the climate of mutual fear and hatred that prevails between the Tutsi and Hutu communities all constitute obstacles to the development of democratic institutions and society. The media, and in particular the local press allegedly play a pernicious role in this regard by fanning the flames of inter-community hatred in the country.

1. Judicial inertia

26. The Special Rapporteur is deeply concerned about the judiciary. Time and time again he realized the extent to which the Burundian judicial system is in a state of inertia or even paralysis. Even when suspects are arrested and thrown into prison, it appears that no investigation is carried out and consequently their cases do not come to trial. During his visit to Mpimba prison, on 23 June, the Special Rapporteur met a number of military personnel and civilians who had been waiting months or even years for their trial. The Special Rapporteur was told that approximately 4,000 people who are at present detained in Burundi are still awaiting trial. They had allegedly been arrested by judicial investigation commissions appointed in all Burundi's provinces by the Attorney-General, on 4 April 1995, to bring to justice those responsible for the inter-ethnic massacres and their accomplices. The Special Rapporteur is nevertheless extremely concerned by the information he received, which indicates that the commissions include persons who took part in the massacres and that they have deliberately failed to investigate complaints filed by Hutus and gives preference to complaints by Tutsis.

27. Another major subject of concern is the alleged paralysis of the three criminal courts of appeal, which have been inoperative since the failure to renew the appointment of their judges in March 1993. The Special Rapporteur would very much like to be informed about the results of the Government's recent efforts to have a new law adopted transforming the 17 courts of major jurisdiction into courts of appeal in order to speed up proceedings in respect of persons who are at present being held in prison without trial. It is the view of the Special Rapporteur that the prospect of an international commission of inquiry to establish responsibility for the assassination of President Melchior Ndadaye and the massacres that followed in no way absolves the Ministry of Justice and its subordinate departments from fully assuming, in the meantime, their responsibility in respect of persons currently detained.

28. Finally, the Special Rapporteur believes that the combination of the factors referred to above fosters and perpetuates the scourge of impunity, from which the State of Burundi and all its citizens are suffering. In view of the seriousness of the present crisis, priority should be given to the solution of this problem which has been poisoning Burundian society for over 30 years.

2. Malfunctioning of the army and the security forces

29. The extremely competent High Command of the 30,000-strong army, apparently appreciates the need for changes in the training and conduct of its men. In particular, the army must be persuaded to improve its image and credibility among Burundi's population, which has already suffered considerably, and to react in a more appropriate manner to the fighting methods employed by the increasingly active and better organized armed gangs. However, the wide gap that exists between the army High Command and lower ranking officers has unfortunate implications for the conduct of military operations.

30. In this connection, the Special Rapporteur is deeply concerned by the serious humanitarian consequences for the people of Kamenge district of the excesses that allegedly occurred during the most recent evacuation operation carried out by the army in Kamenge last June. The forces responsible for these excesses have allegedly neither been held responsible nor punished. These shortcomings are compounded by a narrow recruitment base, limited to a few provinces to the south of Bujumbura, and in particular Bururi province, which allegedly provides the bulk of the army's officers and men, who are essentially recruited from among the Tutsis. There are very few Hutus in the army, either among the higher or lower echelons, which explains why a large part of the population mistrusts the army and apparently feels that it is unable to provide protection.

31. One of the questions the Special Rapporteur raised during his meeting with the amy chief of staff concerned the punishment meted out to members of the armed forces responsible for excesses, killings or other serious human rights violations. The Special Rapporteur has received a list of military personnel imprisoned for such crimes, who include 3 officers, 17 non-commissioned officers and 46 other ranks. However, he was unable precisely to determine in what context the crimes had been committed or the stage reached by the judicial proceedings, which he will endeavour to elucidate in the future. It is vital to obtain information on how the army punishes crimes committed by its members in order to determine the extent to which the rights of Burundi citizens are respected during military operations.

32. Moreover, the task of military personnel in the field is often made extremely difficult by the fact that in many cases they themselves have lost members of their family more or less recently, and as a result of action by the very persons they are supposed to protect. Most of the time, the survivors and their families allegedly fear reprisals.

33. The long list of violent incidents or killings of citizens that have remained unpunished, together with the climate of latent civil war that increasingly prevails in Burundi has caught unawares the Burundian security forces, which are numerically small (approximately 5,000 men for the whole country) and torn by multiple allegiances. No less than a dozen different administrations are apparently involved in one way or another in the organization and command of the various police forces. They include several ministries (Justice, the Interior and Public Security and Defence), part of the judiciary (the Prosecution Service, the Judicial Police Department), and

the Secretary of State for Public Security, as well as a number of services directly attached to the office of the President of the Republic (National Documentation Department, the Intelligence Service and the General Migrations Department).

34. Although the activities of the police forces are regulated by a legislative instrument, the Special Rapporteur found numerous instances of overlapping and contradictions in the exercise of their respective functions which undermine their effectiveness and considerably hamper or prevent the establishment of a unified and homogeneous police command, failing a complete reform. The most prominent positions are held by members of the military (territorial units, migrations), by magistrates (the judicial police) or by officers from the private or semi-public sectors (national documentation).

35. In practice, the functions of the security forces and the army should be defined in much greater detail, particularly in cases where the latter assist the police because they are unable to cope with their public order functions as, for example, during serious incidents or disturbances.

36. The Special Rapporteur has taken note of the recent appointment by the President of the Republic, at the proposal of the Prime Minister, of Lieutenant-Colonel Jean-Bosco Daradangwa, a Tutsi from Muramvya, as Secretary-General for the Coordination of Security and Defence Forces, and of Mr. Issa Ngendakumana, a member of the Front pour la Démocracie au Burundi (FRODEBU) as Deputy Secretary-General. These two appointments complete the establishment, pursuant to the Decree of 19 September 1995, of an Office for the Coordination of the Security and Defence Forces under the Prime Minister. The Prime Minister is now responsible for the Departments of Documentation and of Migrations, which were previously under the direct authority of the President of the Republic, as well as for the judicial police, the public security police and the armed forces and the gendarmerie.

3. The precarious status of the National Assembly

37. According to the information received, the National Assembly has been unable either to begin or complete a regular parliamentary session since it was set up in August 1993, without the session being interrupted by serious political disturbances. Four presidents and three vice-presidents have already occupied the Speaker's chair in the National Assembly. At the same time, between sessions parliamentary activity is allegedly at a minimum, as its members are frequently scattered, in exile or forced into hiding on account of threats against their personal safety.

38. Following the rejection by the National Assembly, on 29 June 1995, of the emergency measures proposed by President Sylvestre Ntibantunganya to curb the violence spreading throughout the country, some 15 members of Parliament belonging to the FRODEBU party, of the 65 that make up their parliamentary group, allegedly took refuge in Zaire, in the frontier town of Uvira. Several of them have allegedly received death threats. Other members of Parliament have allegedly returned to their home communes in the provinces or are hiding in the collines around Kamenge district, in Bujumbura.

E. The first steps towards a civilian society

1. Technical Commission on the national debate

39. This Commission, which was set up shortly after the adoption of the Convention on Governance in September 1994, was initially designed to identify the various concerns that the Convention had been unable to address, in preparation for a subsequent national debate. The Commission, which has some 50 members representing the main political trends and opinions and a Bureau of six to eight members, began its activities in the spring of 1995 in difficult circumstances. The violent incidents affecting the Hutu and Tutsi communities in turn, together with the insecurity prevailing in Bujumbura and in the provinces frequently prevented dispassionate debates or even prevented members of Parliament from meeting. The Commission, which submitted its report to the President of the Republic in August 1995, was in particular charged with putting in order problems relating to peaceful coexistence between the Tutsi and Hutu communities in the political, socio-economic and cultural spheres and with initiating work with a view to the preparation of a new constitution, adapted to the country's current requirements. Under present circumstances in Burundi, it is frequently hazardous for members of the Commission to address issues as crucial as the restoration of peace, because, although everyone agrees in principle, opinions diverge rapidly regarding the methods required.

40. Nevertheless, the Special Rapporteur is convinced that the Technical Commission on the National Debate meets the conditions necessary to establish an ideal basis for dialogue between the country's main political forces and to foster the active involvement of citizens in the debate.

2. Local non-governmental organizations

41. The Special Rapporteur would warmly commend the initiatives taken by local non-governmental organizations and local women's associations to protect the human rights of Burundi citizens, to create bonds between the various segments of Burundi society and to assist the country's suffering peoples.

42. These efforts deserve attention and vigorous encouragement. However, the same factors of insecurity referred to above considerably hamper the work of these organizations or associations, and frequently prevent their members from taking part in planned activities. Many of their members are reported to have died, disappeared or been displaced or scattered throughout the country. The current crisis has led to increased awareness among these various organizations and has compelled them to express, in a more tangible fashion, their solidarity with families in mourning or without any news of their relatives. Some human rights organizations visit the scenes of alleged human rights violations to investigate, to hear witnesses and then to send their complaints in writing to the competent authorities; other bodies, and in particular women's associations, collect funds and basic necessities which they distribute to the country's displaced persons and victims. Life in camps for displaced persons or refugees is difficult for women, and these associations try to help them cope with the problems posed by cramped conditions, lack of hygiene, an increase in the birth rate, precarious living conditions and various forms of violence and any infringement of their dignity or that of their children.

43. Although the community movement in Burundi has been severely affected by the current crisis, it is struggling valiantly to assert its autonomy and to earn recognition for its activities both from the authorities and from society at large. The non-governmental organizations involved in the movement are gradually realizing the importance of the issues at stake for society at large and their responsibilities in helping the country to emerge from its present crisis. An NGO collective was recently established, and comprises some 10 non-governmental organizations within the Cadre d'Action des Droits Humains (CADH). 5/ The revolving chairmanship is currently held by the Ligue des Droits de l'Homme (ITEKA). The office of the Centre for Human Rights in Bujumbura has been actively involved in all these efforts.

II. OBSERVATIONS ON THE HUMAN RIGHTS SITUATION

A. The resurgence of violence and insecurity

44. As a result of their growing number and greater supplies of arms, the militias and armed gangs or "assailants" are making their presence increasingly felt in Bujumbura and the provinces and attacking the main access routes to the capital at regular intervals. The violence is even said to have gained regions of the country which until recently were relatively safe and calm, such as the Ruyigi province, in mid-eastern Burundi. The roads leading south out of Bujumbura are reported to have become as dangerous as those leading north.

45. It should be made absolutely clear that the extremist groups linked to each of the two ethnic groups are directly responsible for this insecurity. Tutsi extremists, some of whom have organized themselves into militias, have killed Hutus during "dead town" demonstrations, massacres of University of Bujumbura students and isolated attacks in the provinces. Hutu extremists have organized ambushes and attacks on Tutsi soldiers or members of their families, and against displaced Tutsis living in camps in very precarious conditions. The common feature of all these crimes, whether committed by Tutsis or Hutus, is the absence of prosecutions, trials and convictions: those responsible for such acts have never been bothered. 6/ The Special Rapporteur is therefore distressed by this situation and condemns all the above-mentioned acts, whatever the ethnic group of their perpetrators. He would like to repeat his willingness to receive, examine and record all allegations, regardless of their source.

46. By way of example, on 9 June 1995 several vehicles, including those of the Ambassador of the United States and former Minister for Foreign Affairs and Cooperation and several officers of the Burundi army and the OAU Mission in Burundi (OMIB) were travelling to Cibitoke province when they were shot at by unidentified "assailants". One Burundi soldier and an OMIB officer were killed and 10 or so other people wounded. In another incident, on the Ijenda road, a few days before the Special Rapporteur arrived in Burundi on 21 June 1995, a German Technical Cooperation (GTZ) and Action Internationale Contre la Faim (AICF) convoy was reportedly attacked by unidentified "assailants" operating in broad daylight using a taxi. It appears that there were two dead and four wounded among the local population; two local drivers also received superficial wounds.

47. Violence is steadily increasing and its ethnic nature intensifying. It is said to be extremely common among young people, large numbers of whom are rejected by the school system. The lack of secondary schools obliges 90 per cent of primary school pupils per year to discontinue their education (girls make up over half of this group). Estimated to number 100,000, these young people, for whom there is no place in the schools, have nothing to do, and are easily recruited by extremist movements or armed gangs to steal and kill, often for ridiculously small amounts of money. The crisis has also aggravated delinquency problems among young people owing to alcohol and drugs.

48. The growing insecurity is making it increasingly difficult for United Nations relief agencies and international NGOs in Bujumbura and the provinces to move about and therefore to work with the Burundi population groups in need, whether displaced, dispersed, refugees or repatriates. Road transport is becoming more and more difficult and dangerous. Owing to the threats and attacks sustained by expatriates and local staff, certain NGOs have already considerably reduced their field operations, and others are even said to have eliminated them. However, some organizations are reportedly examining the possibility of air transport for bringing aid to the provinces.

49. The Special Rapporteur had to borrow a United Nations Assistance Mission for Rwanda (UNAMIR) helicopter, which had to be sent from Rwanda, to visit Ngozi and Muyinga provinces.

50. What is more serious is that, according to recent information, anti-personnel mines have been laid by armed gangs in the collines near Bujumbura, where several tens of thousands of people are said to have taken refuge following army operations to evict these gangs from certain districts.

51. According to information received by the Special Rapporteur, a large number of innocent and defenceless civilians have been killed or driven into exile and their houses and villages looted and burned, especially in certain communes in rural Bujumbura, Cibitoke and Bubanza, during clashes between the Burundi army and members of the Forces for the Defence of Democracy 7/ and during operations conducted by certain elements of the Burundi army on the pretext of disarming the population. The Special Rapporteur personally saw similar destruction in the Bwiza and Buyenzi districts of Bujumbura.

52. On 28 August 1995, the Special Rapporteur and the Special Rapporteur on extrajudicial summary or arbitrary executions issued a joint urgent appeal to the Burundi Government drawing its attention to the extremely precarious situation of civilians in the Kamenge district of Bujumbura, who were the victims of clashes between the Burundi armed forces and Hutu armed gangs during July and August. Consisting mainly of women and children, this group allegedly had to flee their homes and take refuge in the surrounding collines. Other civilians are reported to have been killed during those clashes. Those recent acts of violence could revive the political crisis and aggravate ethnic tensions.

53. Such acts of aggression have not spared the members of religious faiths, who have usually distinguished themselves in Burundi by their exemplary and courageous work among the population and young people, particularly in Bujumbura. The Special Rapporteur wishes to draw the international

community's attention to the disturbing signs of religious intolerance that are being reported, together with xenophobia, such as the fatal shooting of three Italian clerics, including a 74-year-old nun, in a mission during the night of 30 September to 1 October 1995, in Buyengero, Buriri province. According to government sources, 10 priests have been killed in two months. The Special Rapporteur wishes to express his deep concern at the fact that, despite the great distress caused by these attacks in the diplomatic community in Bujumbura, and despite the community's insistence that the Burundi authorities should open an immediate inquiry, nothing seems to have been done to identify the guilty parties. The Special Rapporteur has also learned that 50 young extremists, members of "Sans Echec", reportedly attacked the mosque in the Bwiza district of Bujumbura during the night of 5 to 6 October 1995, wounding several worshippers.

54. The Special Rapporteur has also been informed that new acts of sabotage, attributed to extremist armed groups, have been carried out against electric power stations in Rwegura and Mugere, disrupting Bujumbura's electricity and water supply and thus increasing the civilian population's suffering. For the first time, the Kiriri residential area reportedly had no water or electricity for several hours, following an attack on the Mugere power station during the night of 2 to 3 October 1995. In attacking the electricity and drinking water supplies, these armed groups aim to spread discontent among townspeople, particularly in the capital. The Special Rapporteur would emphasize that such acts represent an increase in the radicalization of the conflict.

55. The Special Rapporteur firmly believes that this steady increase in serious human rights violations and criminal attacks on the security and lives of the Burundi population, the large majority of whom live in poverty, is due to widespread impunity.

B. Violations of the right to life and physical integrity

1. Attacks and killings

(a) Attacks on military positions

56. During the period covered by this report, the Special Rapporteur was informed of various incidents involving clashes between the military and armed groups or unidentified assailants in several provinces of the country.

57. On 1 and 8 March 1995, Cibitoke province was reportedly the scene of clashes between soldiers and members of armed groups that left about 20 of the assailants dead. In both cases, the targets were allegedly military positions. Arms and ammunition were seized. On 28 March 1995 in the same province, in the commune of Mabayi, a military truck was reportedly ambushed by armed gangs, leaving four soldiers dead and two wounded.

58. In the commune of Buyengero, Bururi province, an attack on a military position on 15 March 1995 reportedly resulted in the deaths of two attackers. In the same province, soldiers posted in the commune of Rumonge, in the Minago zone, were reportedly attacked by about 50 assailants.

59. On 2 April 1995, following an attack on an army position, in the commune of Matongo, Kayanza province, two assailants were reportedly killed, several soldiers wounded and two grenades seized.

60. In rural Bujumbura, on highway 7 in the village of Nyabiraba, a 16 July 1995 attack by assailants on a minibus and a car allegedly led to the death of the commander of the fourth military region of Ngozi and his wife. The incident is reported to have caused a total of 10 deaths.

61. On 17 September 1995, clashes in the commune of Murwi, Cibitoke province, between the military and assailants led to the death of four assailants and the seizure of a food reserve. During the next two days, the commune of Bugenyuzi, Karuzi province, was reportedly the scene of similar clashes, in which eight assailants were killed and a military vehicle ambushed, three soldiers being seriously wounded and five slightly wounded.

(b) Acts of violence against the population or individuals

62. The Special Rapporteur learned that on 5 March 1995 an accountant and the administrator of the commune of Buhinyuza, Muyinga province, were killed during an attack by an armed gang, and that displaced persons from a neighbouring camp, at Nyarunagi, retaliated when they went to recover the accountant's body. It was reported that 21 other persons died and several houses were burned.

63. On 11 March 1995, violence broke out in the centre of Bujumbura, culminating in the killing of the Minister of Energy and Mines. Grenade-throwing and shooting then continued through the night in the Bwiza, Jabe, Nyakabiga, Rohero and south Mutanga districts. Similar events took place in those districts on 20 March, leaving 8 dead and 13 wounded in Bwiza district.

64. On 26 March 1995, an attack on the Majori refugee camp, Ngozi province, allegedly left 12 people dead and many wounded. On 11 July 1995, the commune of Musema in the same province was allegedly the scene of clashes among the population that resulted in at least 100 deaths and several bayonet injuries.

65. On 29 March 1995, a massacre in which 100 to 264 people died reportedly took place in Muyinga province. On 18 April 1995, about 20 men, women, old people and children were allegedly killed by armed gangs in the commune of Gasorwe, in the same province, following their refusal to pay dues.

66. On 3 June 1995, assailants allegedly attacked the communes of Muhuta and Rutongo, in rural Bujumbura. Ten people reportedly died and several houses were burned. In the neighbouring communes of Kabezi, Magara and Gitaza, similar attacks allegedly caused a dozen deaths. On 4 June, in Gitega province, Bugendana sector, grenades thrown at several churches after Mass allegedly left some 52 people wounded and 8 dead. On 5 June 1995, 26 assailants were apparently captured by the population in Rutana province.

67. On 23 June 1995 armed gangs from Kinama allegedly attacked the Cibitoke district of Bujumbura, killing 12 persons, including two children and two old people. Also in Bujumbura, it is said that on 27 June in the

Rohero II district, an assailant was caught by young people and "necklaced". On 1 June 1995, this time in Musaga district, two suspicious individuals were allegedly caught by the population and also "necklaced". Their bodies were apparently abandoned at the side of highway 7.

68. In Kayanza province, clashes between armed gangs and the local population in the communes of Rukago and Gahombo allegedly left 25 people dead and 7 wounded on 2 July 1995.

69. An attack on 6 August 1995 by armed gangs against the population of the commune of Buganda, Cibitoke province, Kaburantwa sector, reportedly left 47 people dead and 28 wounded.

70. It was reported on 11 September 1995 that the commune of Giteranyi, in Muyinga province, experienced in less than one week a resurgence of violence against the population by armed gangs, who allegedly stole, destroyed private property and even committed rape. These incidents allegedly left seven people dead.

71. At dawn on 18 September 1995, on the outskirts of Cyarama, north of Bujumbura, between 50 and 100 persons were allegedly massacred by soldiers, following a clash between the regular forces and armed gangs, during which the army reportedly lost seven men.

72. It is reported that, during the night of 25 to 26 September 1995, armed men attacked the Ngagara district north of Bujumbura, killing five persons and wounding several others, including children. The victims were allegedly all Tutsis. The Chief of State, the Prime Minister and other members of the Government who had come to the scene were reportedly booed by the residents of the district. The car of the Minister for Foreign Affairs and Cooperation was stoned by angry youths.

(c) Violence in primary and secondary schools

73. On 3 March 1995, a grenade allegedly exploded in a canteen at the Rugari secondary school, in Muyinga province, leaving three dead and 45 injured. On 19 March, a grenade was thrown into a dormitory at the teacher training secondary school in Buhiga, Kuruzi province, killing one student and injuring 12. On 29 March, a grenade thrown into a dormitory at the Rubanga secondary school killed three students.

74. Twenty other students were reportedly injured in their dormitory after a grenade exploded at the Rugari secondary school in Muyinga province on 8 May 1995. On 12 June, three students were apparently injured in a similar manner, at the technical school in the commune of Gihanga, Bubanza province. On 28 June 1995, 15 small children were reportedly killed in an attack on a primary school in Jimbi, Kayanza province.

75. Grenades were also allegedly thrown at two secondary schools in Bujumbura, namely, the Saint-Gabriel and Lake Tanganyika schools, on 10 July 1995. Finally, two grenades thrown into a television room at

the teacher training secondary school in Cibitoke on 15 July are said to have injured 22 students. The local authorities reportedly delayed school exams for several days in order to ensure the safety of students and teachers.

76. According to information collected by the Special Rapporteur, the increase in violence against schools in July 1995 coincided with the end-of-year exam period. Armed Hutu gangs are allegedly responsible for these acts of violence, in retaliation for similar acts previously committed by Tutsi militias who apparently forced Hutu students to flee their schools. The Hutu students, having missed classes, were unable to complete their school year or sit their end-of-year exams. According to figures supplied by the Ministry of Education, at least 25 per cent of Burundi secondary and university students have discontinued their studies since October 1993.

(d) Attacks against ex-patriates, NGOs and United Nations agencies

77. On 29 March 1995, a convoy of vehicles was allegedly attacked on highway 7 by armed gangs; five persons, including three Belgian nationals, were killed and five wounded. On 22 March, a UNPD vehicle was allegedly stoned and the rear side window broken near the Bujumbura central market.

78. Also in Bujumbura, a grenade allegedly exploded in the vehicle of a delegate of the NGO CARE, causing material damage. On 5 May mechanical equipment was reportedly stolen following an attack on an Oxfam warehouse. Again in the capital - on 8 June 1995 - 26 World Food Programme (WFP) trucks were allegedly searched by persons from Musaga. On 6 July 1995, WFP warehouse personnel arriving for work are said to have been stabbed with knives: one death and one injury were reported.

79. NGOs working in Ngozi province allegedly received a letter on 2 June 1995 threatening them because of their activities. Approximately one month later, in the same province, a UNICEF truck was reportedly the target of a surprise attack on highway 6, at Ruvumu, by armed men in uniform, and was pillaged.

80. The Special Rapporteur is also deeply concerned at the increase in attacks on the staff of the United Nations or international NGOs in September 1995. Several such incidents have occurred. On 1 September, for example, a Handicap International vehicle was allegedly ambushed by armed gangs on highway 2 at Rutegama and its occupants robbed; on 19 September, two UNHCR international staff members were attacked and their vehicle stolen; and on 21 September a United Nations volunteer working at UNDP was attacked and his vehicle stolen. In the two latter cases, the assailants were travelling by car and were reportedly armed. Lastly, on 22 September 1995, a group of armed men is said to have attempted to enter the WFP premises next to the Centre for Human Rights office in Bujumbura. In the opinion of the Special Rapporteur, attacks on United Nations agencies or international NGOs grew daily during the month of October, thus increasing the danger faced by all expatriates. Two Toyota cars were allegedly stolen from the courtyard of the building where UNICEF's offices are located. A vehicle of the international NGO CARE was reported stolen on 3 October 1995. It is also said that nine armed men attacked the Médecins du Monde offices two days later, and that a Belgian expatriate was attacked by unknown persons.

2. Disturbances and killings at the Collège du Saint-Esprit and the University of Bujumbura

81. On Sunday, 11 June 1995, a fair was being held at the Jesuit Collège du Saint-Esprit, in Kamenge, where Hutu and Tutsi students studied together. A number of students had taken part in the fair. At the end of the afternoon events got out of hand and following some shots four young people, two Hutu and two Tutsi, were allegedly found dead. According to the statement of a second-year literature student named Alain-Aimé Nyamitwe, who is at present detained in Mpimba prison, he left the school at about 4.50 p.m. to go home. On emerging from the school, he noticed a person covered with blood and a number of young people who had been drinking, so he turned around and went back into the school. He was stoned by 30 or so "Sans Echec" youths and suffered a head injury, after which he took refuge in the toilets, near the front door. One hour later, he allegedly left his hiding place on the orders of one of the priests, who himself had been threatened by young Tutsis who were about to burn and pillage the school premises. He was then taken by police officers to the Special Investigations Unit and interrogated the same evening. The next day, he was transferred to Mpimba prison on the basis of an arrest warrant for killing four people. One soldier who was also being detained in the prison later allegedly confessed to having fired two bullets which probably hit two Hutu students named Hector Ndikumana and Emile, both of whom were being sought by the Tutsi "Sans Echec" militias. The two other youths were reportedly stabbed. The fate of Alain-Aimé Nyamitwe is in the balance, since it is said that he will become the target of extremist Tutsi students as soon as he is released from prison.

82. Another student allegedly confirmed his classmate's above-mentioned statement. This student was also on school premises at the end of the afternoon of 11 June and learned from another classmate that a meeting of the SOJEDEM (Solidarité jeunesse pour la defense des minorités) had just taken place with Tutsi students, that many of them were armed and that a raid against Hutu students was to take place that evening at the university. These events are also said to have been encouraged by the obvious complicity of some of the university's teaching staff. One of them, nicknamed "Gasomboroto", or "Provocateur", is said to be a member of a teachers' union that encourages young Tutsi extremist students to rebel and organize strikes. He allegedly played a decisive part in the dismissal of the vice-rector of the university, Athanase Bakunda, in March 1995, by spreading slanderous remarks about him in the rector's office and discrediting him at an ad hoc meeting of the teachers' union.

83. On 21 June 1995, the day the Special Rapporteur arrived in Burundi, he was deeply shocked to learn that Professor Stanislas Ruzenza, a Hutu and Director of Research at the university, had been murdered while trying to determine the exact number of Hutu students killed in the dormitories of Tropicana Homes I and II, on the Mutanga campus, by their Tutsi classmates, during the night of 11 to 12 June, and to prevent similar killings on other university campuses, and especially the Kamenge campus.

84. According to information received, between 15 and 100 students were killed. This slaughter allegedly took place despite the presence of a dozen gendarmes assigned to protect the university premises, who did not intervene

when these very serious events took place. First, a Hutu student from Polytechnic B2, by the name of Alexis Ndayisaba, was allegedly stoned and injured on the outskirts of the campus at 6 p.m., and then stoned to death by "Sans Echec" youths. Then a second Hutu student, Gordien Rurimuziko, allegedly had his throat cut with shards of broken beer bottles by cannabis-drugged Tutsi students on the campus lawn two hours later. The carnage described above then took place during the night, with Hutu students being slaughtered with grenades, knives and pistols. On the morning of 12 June, about 10 bodies were found on the campus, while approximately 20 other bodies were spotted two days later at the point where the Rusizi river enters Lake Tanganyika. According to one student, several of the slaughtered Hutu students were seen to be dying and not given treatment. According to other sources, a number of bodies were buried in common graves, on the immediate outskirts of the Kamenge campus. Two or three other Hutu students reportedly lost their lives when they tried to recover their personal effects at the university.

85. Apart from the fact that no administrative or any other type of sanctions were taken by the authorities at the time (rector Fidèle Rurihose having since been replaced) against those responsible for these crimes, they were reportedly not even prosecuted or arrested by the forces of order. It should also be noted that the Minister of Secondary and Higher Education and Scientific Research was not authorized to go to the university on the day following the massacre. In addition, no suspension of classes was ordered for a few days to enable the university administration to search students' rooms thoroughly and seize any weapons that might still have remained. At no time were university officials bothered.

86. The Special Rapporteur also learned recently that another four students, Tutsi this time, were allegedly killed on the Kiriri campus during the night of 21 to 22 July, following an attack apparently led by Hutu students who had escaped the June massacre and by unidentified armed men. That same night, several of their classmates who had come to bury them on 24 July reportedly ambushed a public bus on the road to Gatumba, near the Zaire border, and killed 10 persons, including a Burundi National Radio and Television (RTNB) cameraman who had spent a week participating in the launching of a campaign on the right to life organized by the Centre for Human Rights office in Bujumbura.

87. Lastly, according to the latest information received by the Special Rapporteur, the situation of the Hutu students has become most precarious since the events of the night of 11 to 12 June. Most of them allegedly lost a university year or were unable to sit their examinations and were afraid to attend courses. Either they are allegedly hunted down by their Tutsi classmates when in the city of Bujumbura and their safety or physical integrity threatened as soon as they are recognized, or they are forced to go into exile with no means of subsistence. There is no future either for them or, more broadly, for Hutu intellectuals in the country.

88. The restructuring of the rectorate by the Burundi authorities during the summer of 1994, after the massacres, is said to have made no significant changes in existing power relations.

3. Abuses by the army and forces of order

89. According to information received by the Special Rapporteur, clashes between the forces of order and armed gangs in Cibitoke province on 23 April 1995 resulted in the death of 29 civilians.

90. Other abuses were allegedly committed by soldiers in the commune of Gasorwe, particularly in the Kizi sector, following the infiltration of neighbouring communes by illegally armed men. According to the local population, the number of civilian dead was approximately 200 and included both displaced Tutsis and Hutus, who were shot or stabbed. Most of the victims were reportedly women and children.

91. From 31 May to 2 June 1995, the Kinama district of Bujumbura was allegedly the scene of prolonged gunfire between armed gangs and the military, which subsequently intervened using armoured cars and trucks. Many of the inhabitants fled to the surrounding collines, the access roads to which were later cut by the military, thereby preventing the people concerned from receiving provisions. According to one witness, some 30 or 40 houses were pillaged and burned down.

92. On 17 June 1995 sounds of gunfire were heard towards 5 a.m. coming from the Cibitoke, and then the Kamenge, districts in Bujumbura, from the "terminus" military position. The inhabitants allegedly took refuge in the neighbouring collines to escape the clashes between armed gangs and soldiers, who allegedly intervened using automatic weapons, armoured vehicles and heavy artillery. More than 50 people were reportedly killed and several houses looted and burned down, very often with the participation of Tutsi soldiers and militia members. On 19 June, "Sans Echec" Tutsi groups allegedly paraded about carrying television sets on their heads, mockingly singing the hymn to Nyangoma, a Hutu leader who had sought refuge in Zaire, to the applause of the military.

93. One week later, the military allegedly hunted down the population of Kamenge and Kinama in the Gishingano collines, on the outskirts of Bujumbura, where they had hidden. They reportedly used bayonets and hatchets to kill over 100, mostly women and children. It is said that one pregnant woman was even disembowelled. There have allegedly been more victims, following further shelling of the collines.

94. From 26 to 30 June 1995, soldiers from the commune of Mutaho reportedly went to Rwamuna, on Muringa colline in Gitega province, disguised as women, and killed a number of people. Shortly thereafter, on 3 July, several houses were looted and destroyed on a neighbouring colline. The terrorized inhabitants of Mutaho allegedly abandoned their houses and work and took refuge elsewhere, especially in Gitega. Displaced persons from the neighbouring camp allegedly removed the tin roofs of houses to reinforce their own shelters.

95. People living in the Burebo, Ico, Kamega and Mboza collines in the commune of Kanyosha were reportedly subjected to searches by soldiers of the Para Battalion in Bujumbura, from 4 to 8 July 1995. The inhabitants were allegedly forced to come out of their homes or hiding places in the valleys

with their hands up. Many of them were apparently bayoneted or shot to death while attempting to flee. The town's primary schools and secondary school are said to be closed.

96. During the same period, soldiers embarked upon an operation to disarm persons in the collines in the commune of Buhonga, in rural Bujumbura; this resulted in 117 deaths.

97. On 22 July 1995, the forces of order reportedly combed the Ruega and Kawumu hills, leaving about 15 dead.

98. Lastly, on 28 July 1995, a military operation to disarm the population of the Tenga sector in rural Bujumbura allegedly created security problems and caused further population displacements in the Kamenge and Kinama districts.

C. The right to liberty of movement and freedom to choose ones's residence within a State

99. Forced displacements of the population continued during 1995, especially in the Bwiza, Buyenzi, Kinama and Kemenge districts of Bujumbura, the main victims belonging to the Hutu community. Just before the Special Rapporteur arrived in Burundi, the evacuation of the Kamenge district by the military to remove any weapons allegedly led to exchanges of gunfire between the army and "assailants" dispersed among the inhabitants, causing the latter to flee towards the neighbouring collines and banana plantations. According to the information he received, between 50,000 and 100,000 civilians - men, women and children - took refuge there with no drinking water, food or adequate shelter. Cases of malaria and bacillary dysentery have already been reported. These clashes are said to have caused numerous innocent victims and considerable destruction: houses looted, destroyed or burned down.

100. Had the urgent measures announced by the President of the Republic in his speech to the nation on 18 June 1995 entered into effect, one of them would have required every citizen wishing to travel from one province to another to apply for a laissez-passer from the authorities of his commune.

101. In the meantime, the Special Rapporteur has been informed of a recent initiative of the Burundi authorities, namely, the establishment of a Standing Human Rights Commission to monitor the human rights situation in Bujumbura, with a view to the return home of displaced persons from the Kamenge and Kinama districts.

D. Arbitrary detentions

102. Since the general amnesty of October 1993, the number of prisons in Burundi has declined considerably, from 7,000 places of detention or prisons to 2,000 or 3,000 for the entire country. After President Ndadaye's assassination and the massacres that followed, proceedings against the culprits had the effect of increasing the prison population, although to a lesser extent, as well as that of certain places of detention run by the gendarmerie, the Ministry of Justice and the Ministry of the Interior.

103. On 23 June 1995 the Special Rapporteur visited the Mpimba prison in Bujumbura, in the company of the Minister for Human Rights, Social Welfare and the Advancement of Women, to talk with the Director of the establishment, make a brief visit of the premises and interview some inmates. Most of the 1,361 detainees then being held in the prison, whose normal capacity was 800, were allegedly untried prisoners. It appears that less than 100 detainees had actually been convicted. Hutus and Tutsis were held without any distinction being made between them. There were a number of soldiers among the imprisoned civilians. Fifteen or so women were also being detained on various grounds in a separate wing of the prison. Some of them had small children with them.

104. Testimony collected by the Special Rapporteur indicates that most of the untried prisoners are sent to Mpimba prison on the basis of short-term detention warrants (15 days to 1 month, renewable) issued by the Public Prosecutor's Office when an investigation is under way, by the judge when the case has been sent to the court, or even by police officers. These warrants expire rapidly and are usually forgotten, so that the detention of the person concerned continues illegally.

105. According to an account by Hilaire Ntakica, a detainee at the Mpimba prison, the night before the 3 July 1993 putsch he had been instructed by President Buyoya to report to a major in the Burundi army, who told him that there was going to be a coup d'état and asked him to help transport several officers to their camp. Returning from one such trip, he was arrested and detained on the basis of a provisional warrant dated 3 July 1993; he said he had always hoped that a proper trial would be held for him. Following extensive correspondence, he obtained two hearings with the Public Prosecutor, the second on 11 April 1995, which, however, resulted in nothing tangible. Since then, he continues to be held illegally.

106. Certain persons have allegedly been transferred to Mpimba prison without a detention warrant. This is true of two soldiers arrested on 27 October 1993 for possible participation in the attempted coup d'état. The first, Lieutenant Jean Ngomirakiaa, chief mechanic for armoured cars, was allegedly arrested in front of several officers at staff headquarters, where he had been asked to report. After signing a statement in the procurator's office, he was allegedly - even in the absence of any detention warrant - taken to the prison. The second soldier, Sub-Lieutenant Pierre Clavel Bigirimana, was taking a training course in battalion No. 1, when on 21 October 1993 he was ordered to transport a unit of soldiers to a strategic site that had to be guarded. He was allegedly arrested one week later, on his way to general staff headquarters, and then transferred to the prison without any detention warrant. Despite repeated requests, these two soldiers were not given a hearing, either by their commander or by the junior military judge.

107. These shortcomings in the functioning of the system of justice, whether civilian or military, are noticeable elsewhere in the country. For example, the Special Rapporteur was informed that in Kirundo 200 people had been crowded into cramped quarters pending a pre-trial investigation by the procurator's office. It is alleged that very often civil governors are unable to maintain public order in their respective provinces by themselves, and that they are required to take account of the views of the local and provincial military commands in matters of importance.

108. Since his return from Burundi, the Special Rapporteur has been informed of an increase in violent incidents in various Burundi prisons. On 1 October 1995, grenades allegedly exploded at the police station in Karuzi, northeast of Gitega, causing the deaths of about 30 detainees. It is said that an investigation was carried out and that several public security police officers were arrested. Disappearances of prisoners were also reported in Gitega province.

109. A brawl occurred on 21 October 1995, the anniversary of President Ndadaye's death, in Mpimba prison, where certain detainees of Hutu origin allegedly blamed other detainees; presumed to be responsible for the putsch, for assassinating the President. Soldiers reportedly "fired into the air", according to a first official report. Although the precise circumstances of this incident have yet to be elucidated, it is said that between 3 and 29 detainees died and 9 were wounded.

E. Freedom of expression and freedom of the press

110. As the Special Rapporteur has noted, Burundis are currently living in an atmosphere of mistrust, hatred and exclusion, withdrawn into themselves and often hostile to anything unfamiliar. Since the loss of loved ones recurs generation after generation, whatever the ethnic group concerned, the accumulated grief has been transmitted to their descendants for decades. Because of these sad memories or a desire for revenge, Burundi society has become paralysed and Burundi culture stifled, with no solution in sight. This state of mind could well have psychotic consequences, which are very difficult to cope with at the national level and which, above all, create a context conducive to the development of extremist and totalitarian ideologies among the population.

111. The serious crisis being experienced by Burundi, the hatred that separates the country's two main ethnic communities, the polarization of extremist forces in Bujumbura and the provinces and the impunity that prevails in all sectors of public life have a combined negative effect that prevents a truly democratic debate on the country's basic problems from emerging and being objectively relayed to the public by healthy, independent media, whether by the press, still the province of a small minority, by television, watched by the country's urban elite, or by radio, which is more common among the population of Burundi.

112. The private press practically disappeared with independence, and only recently re-emerged. It does not appear regularly, and both print-runs and distribution are limited to a few political and intellectual circles. The quality of the information provided suffers from lack of capital and necessary skills: journalists have neither the means to seek the information where it is to be found nor the possibility of processing it in a suitable manner. Moreover, the fact that politicians and journalists were unprepared to assume their respective responsibilities towards the press combined with the democratization process, which came to a sudden end after the failed putsch in October 1993, had a negative influence.

113. The Burundi authorities have gradually become aware of the pernicious role played by the press, especially the private press, in fanning the flames of hatred among Burundis, in complete contravention of article 20 of the International Covenant on Civil and Political Rights, in spreading rumours and manipulating people's minds and in supporting agitators or questionable causes such as the arms traffic. Furthermore, having observed that initially journalists were often militants from their ethnic group or party, in mid-May 1995 the authorities established a Communications Council, which is given considerable leeway in dealing with specific problems, either on its own initiative or on orders from the Government. However, the Council, which was established under the Constitution and placed under the responsibility of the Ministry of Communication, does not yet have effective means of monitoring the activities of the private press and its many excesses. No sanctions have allegedly been taken by the Burundi authorities against the press when it gets carried away.

114. The Special Rapporteur has also noted the failure of the authorities to monitor printing houses. There appears to be one national printing house that publishes several newspapers linked to extremist political parties. On the other hand, the Union for National Progress (UPRONA) reportedly has its own printing works.

115. The Special Rapporteur would also stress the lack of a team spirit among Burundi journalists and their unfamiliarity with certain rules of ethics inherent in their profession, not to speak of the relevant provisions of the Press Law and the Criminal Code. When a journalist's veins were reportedly cut with a bayonet during an army evacuation operation in Kamenge in the first week of June 1995, and the body was found in a neighbouring banana plantation, none of his colleagues apparently mentioned the event or wrote an obituary about him.

116. In the light of recent information, the Special Rapporteur is concerned at the audience acquired since June 1995 by the "Radio Démocratie - La Voix du Peuple" radio station which, from the town of Uvira on the Zairian border, near Bujumbura, allegedly broadcasts hate messages in French, Kirundi and Swahili every day from 6 a.m. to 7 a.m. and 6 p.m. to 7.30 a.m. seeking to arouse the aggressiveness and fears of its Burundi listeners in the context of their daily situation of uncertainty and insecurity. The calls for murder, day after day, are all the more devastating since they are addressed to vulnerable people who have reached breaking-point.

117. There are, however, some rays of hope in this sombre picture. A recent project, initiated in May 1995, is aimed at establishing a press centre, under the auspices of the Communications Council and with support from UNESCO, in a safe place accessible to all. The purpose of the press centre would be to train journalists and provide them with the necessary communications materials. The project will be of help to newspapers of all leanings, such as L'Etoile, La Nation, Le Carrefour des Idées, Le Témoin, L'Eclaireur and Le Miroir.

III. FINAL OBSERVATIONS AND RECOMMENDATIONS

A. Final observations

1. The risks incurred by Burundi

118. The Special Rapporteur wishes to draw the international community's attention to the extent of the suffering being systematically inflicted on the population of Burundi, for the most part comprising innocent civilians, women, children, old people and poor workers. Muggings, killings and massacres, torture and arbitrary detention continue to be their daily lot. The Special Rapporteur is therefore extremely concerned about the development of the human rights situation in Burundi during the second half of 1995 which, in his view, reveals an increasingly marked genccidal trend of a socio-ethnic nature.

119. This situation is all the more alarming in view of the fact that the Government of Burundi has acceded to most international instruments on the protection of human rights and has supported the most recent resolutions, including the one appointing the Special Rapporteur. Yet the question is whether the obligations solemnly assumed by the Government of Burundi are being acted upon in practice in the context of the implementation of the principles and standards indispensable for the functioning of the regime of constitutional democracy that the Government instituted at the beginning of the democratic transition process in 1993. 8/

120. Despite the undertakings given by the State of Burundi and the assurances received by the Special Rapporteur from government authorities during his visit to Burundi, complete impunity is still enjoyed in the country. The Special Rapporteur is therefore forced to note, to his very great regret, that no improvement in the situation is likely; on the contrary, insecurity and serious human rights violations are increasing steadily throughout Burundi. The Special Rapporteur has detected no progress on the part of the Burundi authorities or any active efforts on the part of the competent services to put an end to illegal acts of violence committed by bad elements in the police force and the army or crimes perpetrated by extremist groups, whether Hutu or Tutsi.

121. The Special Rapporteur is therefore of the opinion that it would be more appropriate to say that the situation in Burundi is deteriorating rather than evolving in a positive manner. The unbridled passions unleashed by ethnic tension between Hutus and Tutsis are such that they are giving rise to systematic racist practices on both sides; this tension is quite obviously reflected within the Government, in which the number of cases of blockage between the two participating ethnic groups has increased. The Special Rapporteur was profoundly shocked to learn how far elementary standards of international humanitarian law are being violated by all the parties involved in the conflict that is at present raging. He has received a number of allegations to the effect that one or the other party was refusing to provide suitable medical care for the wounded who are brought to clinics or hospitals or, even worse, that medical care was withheld owing to their ethnic origin. The Special Rapporteur roundly condemns all these practices.

122. Furthermore, the Special Rapporteur notes that the weaknesses of Burundi's judicial system - which are also apparent in other Latin American, Eastern European and African countries that recently embarked upon a democratic transition process - are in Burundi's case characterized by the virtual inertia of the services comprising that system and an inability to perform the minimum functions normally entrusted to those responsible for the administration of justice. These shortcomings are such that it is becoming extremely difficult, in the country's present situation, to detect the presence of the various elements characteristic of a State subject to the rule of law, particularly when serious human rights violations are committed by government officials or when flagrant crimes are perpetuated by individuals or extremist groups within Burundi society.

123. Yet it would be too easy for the Special Rapporteur simply to attribute responsibility for this situation to the ruling classes and the Government as a whole since they include many persons who wholeheartedly espouse democratic principles. The inertia and even complicity or failure to act of broad segments of the ruling classes in Burundi and the criminal responsibility of extremist groups of all ethnic origins, both within and outside the country, are paralleled by the regrettable passiveness and lethargy of the international community in assisting the democratic forces and moderate political elements in the country to extricate themselves from the quagmire into which they have sunk.

124. Although it is fully aware of all the horrors committed in the country, particularly after the events of 1993, as well as those which have continued since then, the international community continues to display an acute lack of interest and a serious inability to act in an effective and concerted manner. Very often its analyses and reactions suggest an oversimplification of the political context and fail to take into account new signs of the continuing deterioration of Burundi institutions. Substituting symbolic gestures for specific and coherent action, it has on many occasions simply made ardent appeals, thereby expressing its indignation above all in words, which have had no impact on the actual situation. The Special Rapporteur is therefore not unduly surprised that several of the persons with whom he spoke during his mission to Burundi should have reacted with scepticism and even despair in view of the inoffensive nature of the international community's reactions.

125. Nor have international media and international human rights organizations hesitated to condemn the international community's accommodating reaction to the scale of the traffic in arms which, with the complicity of other African and Asian countries, is still supplying extremist Burundi groups within the country as well as in the border regions. The same is true of the indulgence shown by the international community in reacting to the excesses of the media in Burundi, which use criminal methods to disseminate messages of hate without those responsible being bothered in the slightest. The example of "Radio Démocratie - La Voix du Peuple" is particularly significant in this respect. In a recent press communique issued by the office of the President of the Republic of Burundi, the Government calls upon the United Nations Security Council for help in neutralizing this radio pirate.

126. By consistently failing to act, refusing to commit either its moral authority on the political level or its human and financial resources, and by virtue of the half-heartedness of its decisions, the international community is keeping alive and to a great extent contributing to the development of the radicalization that is at present taking place in Burundi. The slow pace at which decisions are taken and the lack of financial and technical resources give the impression that the international community is seriously underestimating the danger that the crisis racking Burundi might have repercussions in the region. What is in point of fact happening is the systematic destruction of the country's social and economic infrastructure, and this is making its economic recovery more difficult with each passing day.

127. All the political and social factors analysed by the Special Rapporteur during his mission emphasize the real danger that the situation will degenerate and explode at any moment in the country, with consequences at least as serious as in Rwanda, in so far as they could trigger a regional crisis, affecting several if not all neighbouring countries. If the persons involved in the Burundi crisis continue to display negligence or weakness, the consequences for peace in Burundi as well as in the region would be disastrous. The Special Rapporteur is therefore of the view that the international community, through the Secretary-General, should seriously consider the possibility of initiating a process of dialogue and negotiation with all parties to the conflict, and in particular with those not covered by the Convention on Governance of 10 September 1994.

128. Furthermore, the international community could base its action on the relevant provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, and specifically on article VIII thereof, which states that:

> "Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III."

129. In doing so, it would take into account the specificity of certain factors peculiar to the country which were highlighted at an ad hoc meeting on the Great Lakes region, held on 25 July 1995 by the Department of Humanitarian Affairs in the framework of the Inter-Agency Standing Committee Working Group. These factors include the extremely precarious situation of internally displaced persons as well as the problem of protecting refugees who sought asylum in Burundi, some of them having been stopped at the Tanzanian frontier or expelled from Zaire by force, as during the events of August 1995 at Uvira. Thousands of Burundi refugees are said to have been expelled manu militari from this town which is very close to the Burundi frontier; Zairian soldiers are alleged to have set fire to the huts abandoned by the refugees and seized the plastic and other types of protection covering their roofs. Moreover, if the situation were to explode in Burundi, a mass exodus of Rwandese refugees would take place and have repercussions not only in the Burundi context but also throughout the region.

130. Since the Special Rapporteur's visit, the tensions created by refugees or displaced and dispersed persons are aggravating the rampant "balkanization" process that is making steady headway in the country. The operations conducted by the armed forces or the actions of extremist groups are having the visible and immediate effect of triggering an ethnic cleansing process, as a result of which Tutsis are being concentrated in urban areas, such as the capital Bujumbura, and the Hutus are being pushed back into the rural areas.

131. The Special Rapporteur therefore considers that this "balkanization" is closely connected with the political polarization taking place in the country, since the extremists are steadily consolidating their position and the moderates are weakening and losing ground day after day. This polarization accentuates divisions and paralysis within the Government and is extremely detrimental to any attempt to change or reform the situation in a way likely to put an end to the ethnic cleansing process and prevent the consolidation of the country's "balkanization".

132. The Special Rapporteur considers that several ethnic cleansing processes are under way in Burundi without actually being based on a clear-cut strategy or reflecting a specific doctrine. The events that have been taking place at the University for some time are quite significant in this connection. 9/ It would seem, for example, that Hutu students are prevented from acquiring a higher education in normal conditions, thereby making it difficult for a considerable proportion of Burundi youth to join the ruling classes of the country and thus depriving the latter of dynamic human resources at a key period of its development when it needs them most.

133. The international community's failure to react to the increasingly obvious introduction of mono-ethnic higher education in Burundi, which continues to receive funding and professors from abroad, is a complete scandal. It is most regrettable that universities and intellectuals in other countries have not shown better judgment and greater solidarity with their Burundi colleagues who are the victims of the developments mentioned above.

134. The Special Rapporteur is firmly convinced that if the international community fails to react resolutely to these manifestations of ethnic "fundamentalism" it will very quickly be confronted by a fait accompli that will be very difficult to deal with and will bring shame on the entire African continent if not the whole world. He would also emphasize the heavy responsibility borne by the ruling classes of Burundi and its political parties which persist in supporting and encouraging conduct typical of a bygone age and completely unworthy of the democratic institutions adopted by Burundi.

2. The vital need for a new approach

135. If all these dangers are to be avoided and an end put to the persistent impunity of perpetrators of killings and other flagrant and massive human rights violations which are at the origin of a continuing cycle of acts of vengeance and collective slaughter 10/ urgent action must be taken to assist Burundi authorities and society to overcome the inertia that has immobilized them and to seek, in association with them, ways of breaking the deadlock that persists in virtually every sphere.

136. In view of the pernicious aspects of the crisis referred to above, an international community policy under which action would be taken simply to avoid the worst would be totally inadequate. This is because all observers who follow the development of the situation in Burundi closely are well aware that the situation comes within a hair's breadth of the worst every day and that, in attempting to avoid the worst, the international community tolerates human rights violations and unacceptable crimes that are incompatible with the international human rights undertakings assumed by the State of Burundi.

137. The Special Rapporteur therefore remains convinced that the best approach - and one that is of crucial importance at the present time - is to establish an international commission of inquiry immediately. On his return from Burundi, the Special Rapporteur informed the United Nations High Commissioner for Human Rights of the urgency of establishing a commission of that nature. He reaffirmed his view at the meeting organized for the Special Rapporteur by the United Nations Information Centre in London on 14 July 1995 with representatives of the press and NGOs, as well as in the course of several BBC broadcasts.

138. This proposal, which is firmly supported by the Special Rapporteur, is in no way intended as a substitute for the international community's present policy and even less for the eminent role played so far by the Special Representative of the Secretary-General for Burundi or the indispensable activities of the various United Nations bodies dealing with Burundi. The Special Rapporteur wishes in passing to congratulate the United Nations agencies and the international NGOs present in Bujumbura on the splendid work they are doing in often very difficult conditions. He also wishes to pay tribute to the devotion and courage shown by expatriates towards the population of Burundi. He would, however, point out that it is still vital to coordinate the efforts being made more effectively through the improved articulation of the activities of the United Nations system on the spot and the international NGOs active in the field.

139. In the meantime, the Special Rapporteur learned that the Special Representative of the Secretary-General, A. Ould Abdallah, had resigned at his own request on 10 October 1995. In the specific context of Burundi, therefore, the Special Rapporteur wishes to draw the international community's attention to the problems raised by the absence, even brief, of a representative of the Secretary-General, particularly at a time when it is of vital importance to mobilize and coordinate the work of all United Nations bodies accredited to Burundi. The presence of a special representative of the Secretary-General would be particularly important as a means of assisting the political forces sharing power within the Government to find a constitutional solution to the crisis, of helping the International Commission of Inquiry appointed by the Secretary-General in the particularly delicate task assigned to it, and contributing in some way to the success of his mission.

140. The Special Rapporteur also pays tribute to the report prepared by Mr. Pedro Nikken, the Special Envoy of the Secretary-General, which clarifies various legal and technical questions raised by the creation of this Commission and contains proposals designed to strengthen the administration of justice in Burundi. 11/

141. He also welcomes a number of recent developments, such as the Secretary-General's decision to establish the International Commission of Inquiry, confirmed by the press communiqué of 15 September 1995, following the Security Council's adoption of resolution 1012 (1995) in which it requested the Secretary-General to establish that Commission. The Commission's main functions will be to establish the facts relating to the assassination of the President of Burundi on 21 October 1993 and the massacres which followed, and also to recommend measures of a legal, political or administrative nature to be implemented after consultation with the Government of Burundi and especially those designed to bring to justice persons responsible for those crimes. Another of its tasks will be to prevent any repetition of deeds similar to those investigated by the Commission and in general to eradicate impunity and promote national reconciliation in Burundi.

142. The Special Rapporteur is of the view that the Commission's arrival in Burundi and the initiation of its inquiries will have a salutary effect, prevent the deterioration of the general situation in the country, and offer the people of Burundi real hope that their lot will improve.

143. The Special Rapporteur sincerely hopes that the International Commission of Inquiry will be able, within the framework of its mandate, to go beyond the stage of simply conducting investigations. It should, in point of fact, observe the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and methods of effectively investigating such executions (recommended by the Economic and Social Council in its resolution 1989/65), and specifically Principle 9, which states that an inquiry into such executions should seek to identify not only material evidence connected with the death of the victim but also the person responsible for the act. Consequently, the International Commission of Inquiry should be in a position to collect evidence that could be used to bring the guilty parties to justice. It should also be fully empowered to call on witnesses - whether members of the security forces or civilians - with a view to giving evidence and to arrange for their protection. Furthermore, the Commission should issue reports on the inquiries carried out and make recommendations aimed at bringing to justice those responsible for human rights violations without, however, going so far as invoking the death penalty, or preventing possible human rights abuses. 12/

B. Recommendations

144. Before preparing the present report, the Special Rapporteur took note of that drawn up by his colleague, Mr. Bacre Waly Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4/Add.1); he wishes to emphasize the importance and value of the recommendations which are set out in that report and which he fully endorses. The Special Rapporteur is convinced that the Commission on Human Rights will thus have at its disposal valuable and reliable information for a proper understanding of the situation in Burundi.

145. On the basis of what has been stated above, the Special Rapporteur wishes to present his own recommendations which, in his opinion, should strengthen those of Mr. Ndiaye. These recommendations deal with the four following

points: consolidation of democratic institutions in order to eradicate impunity; measures to put an end to insecurity; the strengthening of civil society; and promotion of the enjoyment of human rights.

1. Consolidation of democratic institutions in order to eradicate impunity

146. The administration of justice must be reformed as a matter of urgency through a suitable programme of training and technical assistance in order to put an end to the inertia and incompetence that are sapping government action. The Special Rapporteur considers that the suggestions made by a number of Belgian judges in a preliminary report analysing the present state and needs of the judicial system in Burundi constitute a valid strategy for the implementation of specific measures over the short, medium and long term.

147. In the opinion of the Special Rapporteur, and as suggested by the author of a Minority Rights Group International publication on Burundi, it is urgent that the international community should make every possible effort to achieve solidarity as a means of helping to improve the credibility of Burundi's judicial system. According to that publication, quite apart from the logistical and financial support that must be provided, foreign investigators, government procurators or judges whose countries of origin possess legal and judicial systems similar to that of Burundi should be associated with this task; these persons should be involved not as mere observers but act within the system. 13/ Consideration could, for example, be given to the possibility of sending to Burundi judges - above all from African countries - whose main task would be to back up their Burundi colleagues in their day-to-day work. This enhancement of credibility, based on the introduction of an independent and impartial judicial system in Burundi, is of key importance to the success of the investigations to be carried out by the International Commission of Inquiry that is to submit all its conclusions to the Burundi judiciary, which would then assume responsibility for the legal proceedings entailing the prosecution and trial of those responsible for the assassination of President Ndadaye and the massacres that followed.

148. The Special Rapporteur is convinced that observers from the Centre for Human Rights would be able to cooperate more effectively if some of them could initially be associated with all phases of the investigation of cases and trials concerning specific instances of serious human rights violations, and thereby help to improve the functioning of Burundi's judicial system.

149. In this connection, it is vital to draw up a timetable for the introduction of the reforms to be carried out and for the action to be taken without delay on the basis of the weekly reports submitted by various parts of Burundi's judicial system.

150. In this context, the Special Rapporteur wishes to emphasize the urgency of reforming the criminal courts; what is needed above all is to increase the number of such courts and efforts to introduce equitable ethnic representation. The Special Rapporteur, who shares the views of the Special Rapporteur on extrajudicial, summary or arbitrary executions on this point, also calls upon the Burundi authorities to adopt as a matter of urgency, the necessary interim measures to ensure the functioning of criminal courts of

appeal which have remained inoperative since 1993, and to renew the mandates of the judges or conseillers of courts of appeal and even to appoint others until such time as Parliament adopts a new law to this effect. These criminal courts of appeal should, as a matter of priority, establish the individual responsibility of perpetrators of criminal offences and dismiss outright any principle suggesting collective responsibility or reinforcing the concept of "negative ethnic solidarity".

151. In this context, the serious human rights offences committed by the military should be punished as crimes and not simply as military offences. Moreover, the victims or their representatives should be allowed to participate in proceedings instituted against the military.

152. In Burundi's present judicial context, it would be well to organize an "all-out" operation by temporarily seconding judges and staff from other courts of justice to examine the cases of the 4,000 persons who are said to be held in custody, with a view to their pre-trial release or bringing them to trial. The presence of detainees under 16 years of age in Burundi prisons is at variance with the relevant provisions of the Convention on the Rights of the Child and the Standard Minimum Rules for the Treatment of Prisoners.

153. At the same time, accelerated training should be provided as a matter of urgency for some of the judges without law degrees who are attached to the 123 Tribunaux de résidence and for their registrars, government procurator's clerks or judicial marshals.

2. Measures to put an end to insecurity

154. Apart from carrying out inquiries and punishing those responsible for serious human rights violations, it is vital that steps should be taken to provide for the security of the civilian population by adopting legal and police measures to combat organized crime, which is on the increase in the towns. The international community could suggest forms of cooperation to put an end to this rising threat which is fostering the climate of general insecurity created by the latent civil war affecting Burundi. The proposal by the Ministry of Justice for the establishment of a crime-busting commission in Bujumbura, of which the Special Rapporteur learnt during the course of his mission, could serve as a model for the establishment of similar commissions in other towns and regions of the country.

155. In this respect the Special Rapporteur endorses the recommendation of the Special Rapporteur on extrajudicial, summary or arbitrary executions for the creation of national early warning systems to be provided with adequate resources and capable of intervening when killings or violence occur to prevent degenerating into mass killings or genocide. This mechanism should be composed of members of the police, representatives of local NGOs, members of vulnerable population groups and notables (elders) living in the Burundi collines.

156. The Special Rapporteur also considers that not only the judicial system but also the police should be reformed by the introduction of gradual changes, without attempting to transform the existing police system from top to bottom.

157. He also shares the views of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning his recommended creation of machinery to ensure the security and protection of all Burundians by the establishment of a national police force that would be accepted by the two communities and whose primary function would be to protect the civilian population. One of the main tasks of this national police force would be to ensure the security and protection of persons in universities, schools and refugee camps. Accordingly, members of this force should be given the necessary training to enable them to perform their function, namely, the maintenance of public order. Members of the police who have allegedly participated in summary executions, massacres and other forms of serious human rights violations should be excluded from the national police force. Particular attention should be paid to the training of future police officers and to measures to put an end to terrorist acts attributable to armed groups.

158. In the opinion of the Special Rapporteur, the gradual implementation of the recommendations drawn up by the Needs Assessment Mission in the field of technical assistance for the strengthening of law enforcement in Burundi (11-19 September 1994) could improve the coordination and functioning of the existing police force: detailed definition of objectives and improvement of the performance and services provided by the gendarmerie and the police.

159. It would be useful to draw up a programme of technical assistance based on an evaluation of the competence and performance of the police force in its efforts to combat crime and in the implementation of standards of conduct that respect human rights. The Centre for Human Rights has adopted a strategy on this subject that is described in the report of the Assessment Mission on a human rights training programme for members of the armed forces in Burundi (12-23 December 1994). The Special Rapporteur has also taken note with interest of various ICRC publications, such as the pamphlet entitled "Let us behave with dignity even in times of conflict" and the manual for instructors in the Burundi armed forces entitled "Teach your men to observe rules of conduct in a combat context" which offer a most useful framework of reference for the work to be done and elaborated upon in this field.

160. The performance of the gendarmerie and police force must be improved as a matter of urgency and the resources available to them increased, since these two services are the ones primarily responsible for the maintenance of order.

161. It would also be well to consider the possibility of establishing independent machinery for the investigation and settlement of complaints concerning human rights violations committed by representatives of the law.

3. The strengthening of civil society

162. The activities and efforts of local NGOs must be firmly supported by providing financial and technical assistance to specific projects, as is being done by the European Commission or organizations such as International Alert, and by getting them to undertake joint activities on behalf of disaster-stricken Burundians; the Office of the President of the Republic of Burundi evaluated the number of such persons at 458,000 in its appeal of 18 April 1995 addressed to the international community. The Burundi

authorities should circulate instructions throughout the army and the security forces ordering them to put an end to serious violations of human rights or humanitarian law, such as summary executions, forced disappearances, torture and other forms of cruel, inhuman or degrading treatment, arrests and arbitrary detentions. The authorities should also make quite clear their determination no longer to tolerate such acts in the future.

163. Particular attention should be paid to the development of Burundi's media, namely, the press, and television and radio broadcasts directed at the population of Burundi as a whole. It would be most desirable to provide support for the training of the journalists of these media in objective methods of collecting and processing information, the duties inherent in their profession and their responsibility to society not to foster a climate of hate and violence.

164. The Special Rapporteur considers that the Burundi authorities should prosecute, at the national and international level, media that broadcast programmes inciting racial hatred and that the Zairian authorities should immediately take steps to jam the broadcasts of "Radio Démocratie - La Voix du Peuple".

4. Promotion of the enjoyment of human rights

165. The work of the Centre for Human Rights office in Bujumbura should be considerably strengthened, not only with a view to increasing the number of persons or groups in Burundi that are protected or covered by its programmes, but also to prevent possible human rights abuses.

166. In this connection, it is becoming urgent to speed up as much as possible the deployment of human rights observers, as provided for in resolution 1995/90 of the Commission on Human Rights, and to arrange the rapid financing of their work. These observers should be assigned as a matter of priority to the judicial sector. They could follow the human rights situation in the country and inform the High Commissioner and the Special Rapporteur about the general situation, emphasizing the protection of human rights and the judicial sector.

167. The Special Rapporteur considers that any delay in sending observers out into the field detracts from the effectiveness of his mission and the development of his activities, since his appointment and the rapid deployment of human rights observers in Burundi should go hand in hand in a coordinated manner, as emphasized by the relevant resolutions of the Commission on Human Rights and the Sub-Commission.

168. The Special Rapporteur is also convinced that the United Nations should create suitable machinery as soon as possible to monitor the supply of arms to Rwanda and Burundi to ensure that they are not used to commit further violations of the human rights of the civilian population. He therefore welcomed the Security Council's adoption, on 7 September 1995, of resolution 1013 (1995) establishing a Commission of Inquiry to collect information relating to the sale or supply of arms to former Rwandan government forces in the Great Lakes region. This Commission begins its work just at the right time to unravel the complex arms traffic tangle that is

developing and its possible ramifications in Burundi. The Special Rapporteur considers that the establishment of this Commission bodes well for the efforts being made at the present time by the Secretary-General with a view to convening in the near future a regional conference on security, stability and development in the Great Lakes region. In that connection he welcomes the Secretary-General's appointment of a special envoy to undertake a good offices mission to the Governments of the region in order to achieve a consensus in favour of that conference. He regards those developments as auspicious for attempts to solve Burundi's problems in a regional framework and restore a climate of confidence among all countries of the region.

169. One of the questions that the Special Rapporteur would like the regional conference to tackle concerns the establishment of an international monitoring programme to prevent massacres and genocide, as well as other serious human rights violations. The mechanism adopted should have the capacity to provide early warning, to prevent any human rights abuses and to monitor the development of arms traffic throughout the Great Lakes region. The regional conference should also pay special attention to problems raised by refugees and displaced persons, as well as to the problem of disarming such persons.

170. Lastly, the Special Rapporteur would emphasize the vital need for closer coordination of the work of the three special rapporteurs dealing with the Great Lakes region (Rwanda, Zaire and Burundi) with a view to exchanging information of common interest and taking concerted action whenever required by circumstances. The secretariat of the Centre for Human Rights at Geneva, which is called upon to play a central role in this enhanced coordination between the three special rapporteurs, should be provided with the necessary financial, human and logistical resources for this purpose.

Notes

1/ See, Rwanda: one year after the genocide, Oxfam, 6 April 1995, p. 15.

2/ See, C. Vidal, "Les politiques de la haine", Les Temps Modernes, No. 583, July-August 1995, pp. 6-33.

3/ United Nations Development Programme, Human Development Report 1995, pp. 58, 61 and 81.

4/ The proportion of the population living below the poverty line (in particular some 800,000 refugees and displaced persons), has reportedly risen since 1990 from 36 to 57 per cent in rural areas and from 42 to 59 per cent in urban ones.

5/ CADH comprises the following organizations: Ligue ITEKA, Ligue SONERA, Organisation jeunesse future, Fédération nationale des Clubs UNESCO, Fondation pour l'unité, la paix et la démocratie (FUPD), Association pour la promotion économique de la femme (APEF), Association de "Femmes pour la paix", Union des jeunes pour la défense de leurs droits (UJDD), Association pour la promotion et la protection de la liberté d'expression (APPLE), and Association pour la promotion des groups défavorisés (APGD).

6/ In this connection see "Testimony of Alison Desforges before the Senate Sub-Committee on African Affairs and the House Sub-Committee on African Affairs", Human Rights Watch Africa, 5 April 1995, p. 15.

7/ The Forces for the Defence of Democracy comprise the extremist Hutu opposition which remained outside the Convention on Governance of 10 September 1994. For the most part they operate from Zaire.

8/ It may be recalled that Burundi is party to the following international instruments: International Covenant on Economic, Social and Cultural Rights (1990); International Covenant on Civil and Political Rights (1990); International Convention on the Elimination of All Forms of Racial Discrimination (1977); International Convention on the Suppression and Punishment of the Crime of Apartheid (1978); Convention on the Elimination of All Forms of Discrimination against Women (1992); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1993); and Convention on the Rights of the Child (1990). On 12 July 1994, Burundi submitted a report to the Human Rights Committee in application of article 40 of the International Covenant on Civil and Political Rights (see E/CN.4/1995/66, paras. 40-49). However, the Burundi Government's reports to other committees are overdue. At its meeting of 16 March 1995, the Committee on the Elimination of Racial Discrimination, concerned by the information it had received concerning persistent ethnic tension in Burundi, decided to request the Government of Burundi to speed up the preparation of its seventh, eighth and ninth reports, due on 26 November 1990, 1992 and 1994. The Committee on the Rights of the Child, for its part, is still awaiting the Burundi Government's report due in November 1994. Lastly, Burundi recently received a reminder from the Committee against Torture concerning the report it should have submitted on 19 March 1994.

9/ Burundi. Targeting Students, Teachers and Clerics in the Fight for Supremacy, Amnesty International, September 1995, 15 pp.

10/ See letter and annex of 28 July 1995 addressed by the Secretary-General to the President of the Security Council (S/1995/631).

11/ Idem.

12/ Rwanda and Burundi. A Call for Action by the International Community, Amnesty International, September 1995, p. 27.

13/ REYNTJENS, Filip, Burundi: Breaking the Cycle of Violence, Minority Rights Group International, February 1995, p. 23.